

Current listing of: T7508:2
 Slug: PM-Philippines-Aquino 1stLd-W
 Category: APTVui

11/19/85 04:17 Page: 1
 Date: 11/19/85 03:32:47
 Story: p0261

^PM-Philippines-Aquino, 1st Ld - Writethru, 0632<
 ^Supreme Court Stops Aquino Verdict<
 ^Eds: SUBS 9th graf pvs: 'Ver, two ...' to CORRECT that Aquino,
 sted Marcos, was killed. Pick up 10th graf pvs: 'Galman's mother
 ...'<

MANILA, Philippines (AP) — The Supreme Court today ordered a lower court to withhold a verdict in the trial of 26 men charged in the assassination of Benigno Aquino until it can rule on a petition claiming the trial was influenced by President Ferdinand E. Marcos.

The Supreme Court issued a temporary restraining order by a 9-2 vote, with Chief Justice Felix Makasiar and Justice Ramon Aquino favoring dismissal of the petition for a mistrial.

The trial court had summoned those accused in connection with the Aug. 21, 1983 assassination, including armed forces chief Gen. Fabian C. Ver, to appear in court Wednesday to hear the verdict.

One member of the three-judge lower court panel said last week it had reached a unanimous verdict, but did not disclose it.

The petition for a mistrial was filed by 29 private citizens. The high court heard arguments for three hours Monday on their claims that Marcos influenced the verdict through public comments on the case and that the prosecution suppressed vital evidence.

Among evidence allegedly suppressed were affidavits of six U.S. Air Force men saying that Philippine officers sent up jets to intercept the commercial jetliner carrying Aquino from the United States. Aquino was shot dead as he stepped from the plane at Manila airport.

The petitioners said the affidavits could have bolstered claims of a military conspiracy in Aquino's death.

The petition also claimed that the three trial judges connived with prosecutors to acquit the accused, saying that in one instance a judge allegedly passed a note to the defense.

Ver, two lower-ranking generals, 22 other military men and one civilian are charged with playing varying roles in the killing of Aquino and an alleged cover-up. They also are charged in connection with the death of the man the military says was the assassin, Rolando Galman. Soldiers shot him dead immediately after Aquino was killed.

Galman's mother and son were among those who appealed to the Supreme Court to prevent the trial court from issuing its verdict.

Once a verdict is read, none of the accused can be charged again in the assassination because of rules against double jeopardy. Some lawyers believe a mistrial ruling could lead to a new trial.

If any of the accused are found guilty, they may appeal to the Supreme Court.

There was no indication how long the Supreme Court's restraining order would last. The court has given the petitioners until next week to respond to arguments raised against the petition.

The restraining order says it is 'effective immediately and until further notice.'

Marcos gave his first indication Monday that Ver might not stay

Current listing of: T7508:2

11/19/85 04:18 Page: 2

04 as military head if he is cleared of the charges.

A Presidential Palace statement said Marcos appointed Ver and the acting armed forces chief, Lt. Gen. Fidel C. Ramos, to head a board that will prepare a ``top to bottom'' reorganization of the Philippine military.

It said Ver was asked if he would help with the reorganization ``even if he were not to be reinstated.''

``I am willing to put in writing that I will serve even in a consultant's capacity in the reorganization plan,' ' Ver was quoted as saying.

Ver currently is suspended from his post as head of the armed forces, and Marcos said previously he planned to reinstate him if he were acquitted.

Marcos said in the statement the military reorganization would give younger officers a chance for advancement and make the military more responsive to a communist insurgency.

AP-NY-11-19-85 0417EST<